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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,248

09/13/2005

Damien Mandy

979-127

2658

39600

7590

07/18/2008

SOFER & HAROUN LLP.

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NEW YORK, NY 10017

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,248	<b>Applicant(s)</b> MANDY, DAMIEN	
	<b>Examiner</b> AKIBA K. ROBINSON BOYCE	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/4/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 9/13/05, the following is a non-final first office action. Claims 1-5 are pending in this application and have been examined on the merits. Claims 1-5 are rejected as follows.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "delivered in this way to supply it to the user" and "or the like" in claims 1, 3 and 4 respectively are relative terms that render the claims indefinite. The terms "delivered in this way to supply it to the user" and "or the like" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Because the terms "delivered in this way to supply it to the user" and "or the like" are used, the entire claim and the scope of the invention unclear.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Meunier (US 20020186144 A1), and further in view of Keech (US 20020029342 A1)

As per claim 1, Meunier discloses:

- a) providing at least one parking terminal equipped with payment means, ([0253], accepts smart cards at rental location);
- c) in the event of a release request from a user, entering the identifier of said immobilizing device at said parking terminal, ([0175], special code or credit card # entered and door is unlocked if verified, [0269], user enters a secret code/personal identification);
- d) at the parking terminal, setting up a session for payment of the amount corresponding to releasing the vehicle immobilizing device by means of the payment means, and communicating the identifier entered in this way to the server after validation of the payment session, ([0497], users credit card automatically debited for ticket, [0272], shows credit card reserve is necessary prior to vehicle being released);
- e) at the server, receiving the identifier entered in this way and in response delivering the associated release code to the terminal, ([0175], [0253], user enters credit card #, and system verifies special code);

f) at the terminal, receiving the release code delivered in this way to supply it to the user , ([0175], unlocks door).

Meunier does not specifically disclose the following, however, does disclose using database queries to generate new user ID/account # for releasing a car from a rental location in [0182]:

b) providing a server comprising a database connected to the parking terminal and containing a list of pairs of data items each formed of an identifier assigned to an immobilizing device and an associated release code.

However, Keech discloses that an ID # or code is entered and is correlated with a central computer with an appropriate hash code and if there is a match, the electronic lock is unlocked. It is therefore obvious to combine the teachings of Meunier and Keech to provide a server comprising a database connected to the parking terminal and containing a list of pairs of data items each formed of an identifier assigned to an immobilizing device and an associated release code.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide a server comprising a database connected to the parking terminal and containing a list of pairs of data items each formed of an identifier

assigned to an immobilizing device and an associated release code with the motivation of releasing a locked vehicle upon appropriate verification.

As per claim 2, Meunier discloses:

- a parking terminal having payment means, ([0253], accepts smart cards at rental location); and
- in that in the event of a release request from a user, the parking terminal is adapted to set up a session for payment of the amount corresponding to releasing the vehicle immobilizing device by means of said payment means and to communicate to the server the identifier of the immobilizing device to be released after validation of the payment session, while the server is adapted to receive the identifier entered in this way and to deliver in response thereto the associated release code to the terminal, in order to release the immobilizing device concerned, ([0175], special code or credit card # entered and door is unlocked if verified, [0269], user enters a secret code/personal identification, [0497], users credit card automatically debited for ticket, [0272], shows credit card reserve is necessary prior to vehicle being released, [0253], user enters credit card #, and system verifies special code, [0175], unlocks door).

Meunier does not specifically disclose the following, however, does disclose using database queries to generate new user ID/account # for releasing a car from a rental location in [0182]:

a server having a database connected to the parking terminal and containing a list of pairs of data items each formed of an identifier assigned to an immobilizing device and an associated release code

However, Keech discloses that an ID # or code is entered and is correlated with a central computer with an appropriate hash code and if there is a match, the electronic lock is unlocked. It is therefore obvious to combine the teachings of Meunier and Keech to provide a server having a database connected to the parking terminal and containing a list of pairs of data items each formed of an identifier assigned to an immobilizing device and an associated release code.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide a server having a database connected to the parking terminal and containing a list of pairs of data items each formed of an identifier assigned to an immobilizing device and an associated release code with the motivation of having means to process the release of a locked vehicle upon appropriate verification.

As per claim 3, Meunier discloses:

further comprising payment means adapted to process payment means from the group comprising coins, a bank card, an electronic wallet or the like, a mobile telephone, ([0182], credit card).

As per claim 4, Meunier does not specifically disclose the following, however Meunier does disclose the entry of an identifier in order to process the release of a vehicle in [0269]:

further comprising a means for entering an identifier from the group comprising a keypad and/or a screen, a bar code reader, a ticket reader of the contact or contactless type, a transceiver adapted to set up a call to a mobile telephone or the like.

However, Keech discloses that keypads are incorporated into the system for allowing communication with the central computer in [0031]. It is therefore obvious to combine the teachings of Meunier and Keech to disclose entering an identifier from the group comprising a keypad and/or a screen, a bar code reader, a ticket reader of the contact or contactless type, a transceiver adapted to set up a call to a mobile telephone or the like.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to enter an identifier from the group comprising a keypad and/or a screen, a bar code reader, a ticket reader of the contact or contactless type, a transceiver adapted to set up a call to a mobile telephone or the like with the motivation of providing means to the user for communicating with the system.

As per claim 5, Meunier discloses:



further comprising a means adapted to deliver the release code on a printed receipt or stored on a ticket of the contact or contactless type that the immobilizing device concerned is able to read, (suggested by the special code being communicated through display/keyboard in [0175] since the information is stored with a display and stored information can always be printed).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide means adapted to deliver the release code on a printed receipt or stored on a ticket of the contact or contactless type that the immobilizing device concerned is able to read with the motivation of providing codes visually.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
July 18, 2008

/Akiba K Robinson-Boyce/  
Primary Examiner, Art Unit 3628